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to Senators that two-thirds of the Appalachian farm counties are in the lowest one-fifth of U.S. counties in the last agricultural census. Most of the remaining counties fell within the next lowest one-fifth. Our national farm price support programs and other programs which are designed to assist farmers are of little benefit to the people who live in the farm areas of Appalachia.

Less than one-third of the farmers in Appalachia have participated directly in price support, soil bank, and other conservation programs in the years 1957 and 1958. Direct payments for Appalachian farmers averaged less than \$45, and indirect benefits have been estimated to average not more than \$120 annually for the years from 1954 to 1958. I do not believe that farm conditions in Appalachia have altered significantly since then.

In this regard, Mr. President, a recent study conducted by Profs. Homer C. Evans, W. W. Armentrout, and Robert L. Jack, of West Virginia University, supports the argument that our Federal farm programs are largely irrelevant to the needs of Appalachian farmers. Because I think this is a significant study, and I wish the RECORD to disclose what those men have found, I ask unanimous consent to have printed in the RECORD an excerpt from the penetrating analysis entitled "Some Effects of Price and Income Support Programs on Marginal Farms."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The evidence would indicate that price and income support programs have contributed to the rapid adoption of new technology in specialized areas in recent years. Marginal areas either have not adopted new technology or have adopted it at a relatively slow rate.

It would appear that price and income programs have encouraged the shifting of production from marginal areas to the specialized areas. For example, Shepherd and Richards found that as a result of all influences corn acreage and production are in fact becoming somewhat more rather than less centralized in the heart of the Corn Belt.

Cochrane et al. found that potato programs were instrumental in accelerating movement toward more efficient production. The shift in production from marginal areas to more specialized areas would increase the efficiency of production and would force marginal areas out of production, thereby reducing their income until alternatives are developed. Mackie and Baum came to similar conclusions as far as the adoption of new technology is concerned:

"These farmers (the 'have-nots'—or low-income farmers) lack adequate capital, land resources, and possible education to take advantage of the latest technical knowledge and innovations. So adjustments made by successful farmers appear to be impossible to this group. Thus, the recent technological revolution in agriculture has not only by passed the 'have-not' farm people—it has left them relatively worse off."

Mr. RANDOLPH. Mr. President, for these reasons I shall continue my efforts to bring about solutions to the problem of our farm population within the Appalachian region. In this respect, if the proposed legislation becomes law—and I hope it will during this Congress—

I shall attempt in the next Congress to revive this provision of the act.

Mr. President, I will accept the amendment which is pending at the desk.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. METCALF], for himself and other Senators, to the committee amendment.

The amendment to the amendment was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk a perfecting amendment to the committee amendment.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from West Virginia will be stated.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment offered by Mr. RANDOLPH to the committee amendment is as follows:

On page 71, strike out line 9 and all that follows down through and including line 21 on page 71 and insert in lieu thereof the following:

"SEC. 213. (a) Section 701(a) of the Housing Act of 1954 (40 U.S.C. 461(a)) is amended by striking the word 'and' at the end of paragraph (7), by substituting for the period at the end of paragraph (8) the phrase 'and', and by adding a new paragraph (9) to read as follows:

"(9) the Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1964, for comprehensive planning for the Appalachian region as defined by section 403 of such Act."

"(b) Section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)), is amended by adding before the period at the end of the first sentence the following: 'or to the Appalachian Regional Commission'."

Mr. RANDOLPH. Mr. President, I desire the RECORD to show that this is a perfecting amendment to bring section 213 into conformity with the recently enacted Housing Act of 1964.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. BREWSTER. Mr. President, on July 31, the Senate began consideration of the foreign aid authorization bill. After a few opening statements, this bill was laid aside each day for the consideration of other business, until August 7. Then, on August 12, an amendment was introduced which would set aside court-ordered reapportionment until January 1, 1966, or until a State legislature had "reasonable" opportunity to take action in regular session.

On August 13, formal debate began on this nongermane rider to the foreign aid

bill. Today is September 9. Hoped-for adjournment dates have come and gone. Labor Day has come and gone. Considerable legislation is still pending.

A cloture petition has now been filed and will be voted on tomorrow. If this petition fails, as I hope it will, we may look forward to an indeterminate and perhaps fruitless extension of the session. We may expect further delay in the passage of long overdue appropriations, and in the clearing of other legislation on the calendar.

Mr. President, at this time the Senate is faced with no less than four major issues, each of which is of sufficient merit to warrant the most careful consideration on its own terms.

First, the pending business of the Senate since July 31 has been the foreign aid authorization. This is legislation of the greatest import. The policies which are established and the funds allocated in the pending bill go far to shape American foreign policy and the American image abroad.

It is a source of great concern to me that this vital matter—with international significance—should become submerged in an important, but totally unrelated domestic problem. The possibility that foreign aid legislation upon which the most distinguished Members of the Senate have labored hard and long might have to be permanently shelved in order to break the deadlock over reapportionment is a prospect I do not like to contemplate.

This distressing situation is caused, of course, by the attachment of a "rider" to the foreign aid bill. The merits of a rider as a parliamentary tactic are, therefore, the second question with which the Senate is faced.

Certainly no one can be confused about the reasons for the "rider" tactic. The distinguished minority leader, in his several statements on this amendment, has made clear his reasons for adopting the "rider" technique.

This technique is being employed because the reapportionment issue considered as an independent measure, in accordance with the regular procedures in the Senate, would almost surely ultimately fail. Therefore the rider technique is utilized to circumvent the regular procedures of the Senate and the constitutional procedures required for constitutional amendments. It is a maneuver to ram this proposal through the Senate and onto the President's desk in the closing days of this marathon session.

In essence, this amendment amounts to an illegal attempt to amend the Constitution with a statute which has not been considered by the committees of either House, which will not require a two-thirds vote for passage, and which will not be submitted to the States for ratification.

The selection of the foreign aid bill as the vehicle for this rider is also the result of considerations of expediency, although an attempt was made to excuse it on the ground that part 4 of the Foreign Assistance Act Amendments is entitled "Amendments to Other Laws."

I should like to take this opportunity to compliment the distinguished chairman of the Senate Foreign Relations Committee, my colleague the junior Senator from Arkansas, for pointing out at the time this rider was introduced that part 4 of the Foreign Assistance Act Amendments was hardly meant to indicate that the sky was the limit; or that the committee had undertaken in the bill to reach out and go into the apportionment provisions of our Constitution, or that the committee believed that amendments not reasonably relevant to the foreign aid program were germane.

Mr. President, I believe the utilization of this parliamentary gimmick cannot be rationalized. I oppose the rider technique generally, and I abhor its employment in this instance to circumvent regular procedures, and thus threaten the life of major unrelated legislation of great importance to our national security.

The third question which faces the Senate is occasioned by the filing of a cloture petition. At the appointed hour tomorrow, the Senate will vote on whether or not to limit further debate on the reapportionment rider to 100 additional hours.

Mr. President, as I previously noted, formal debate on this rider commenced on August 13. With the exception of the recess, during which many of us enjoyed the hospitality extended to our great party by the fine people of Atlantic City, the Senate has been in session every day, including some Saturdays. While I would hesitate to total the number of hours during which this rider has already been debated, the fact is that the Senate has not kept the debate germane, but has consistently laid aside the rider in question in order to conduct other business.

The Senate of the United States is both the world's greatest deliberative body and also the body in which some of the world's greatest decisions are made. Our obvious responsibility is to give careful and conscientious consideration to every request and then to vote it up or down. In this particular case, we refuse to face reality and act on issues with precision and force when we snarl up all important legislation involving U.S. foreign policy by the present disagreement on the Dirksen amendment. An obvious course of action suggests itself—namely, the withdrawal of the Dirksen amendment at this time and the separate consideration of it on its own individual merits.

Because of the parliamentary tactics now employed by the proponents of this amendment and also because my own very strong opposition to it, I will not at this time vote in favor of cloture. I sincerely hope that the cloture motion fails tomorrow and that then a motion to table the Dirksen amendment will prevail. I repeat, all the maneuvering that has gone on and will go on in the Senate will be unnecessary if the Dirksen amendment is considered on its own merits. If there were such a separate proposal, I would have no hesitancy about voting for cloture after full debate

as I have heretofore voted for cloture in the recent civil rights debate.

Mr. President, the final question which faces us now is that involving the merits of the proposal that existent court-ordered reapportionment be set aside by legislative statute until January 1, 1966, or until a State legislature has had a "reasonable" opportunity to take action on reapportionment in regular session. Proponents of the reapportionment rider offer several general arguments in favor of its adoption by this body. One of the first reasons seems to me to be one of the least valid—a theory which strikes at the heart of our judicial system, of the separation of powers—a theory which contravenes the entire history of jurisprudence. This argument reasons that the dissenting opinion of Mr. Justice Harlan in the Reynolds case should prevail.

I hardly need point out that under the Constitution, the judicial power of the United States is vested in one Supreme Court. This Court is generally understood to be the arbiter of the Federal system and the last appeal on questions of law, equity, and constitutionality. I think I can confidently say that few would challenge the necessity or importance of such a body to the proper functioning of democracy.

In accordance with democratic traditions and the practices of the court, the decisions of the Supreme Court are made by majority vote, and the decision and accompanying opinion represent the final judgment on the case in question.

A second argument presented in support of the rider is that it is only intended to delay the effectiveness of the Court's decision, and not to overturn it. Mr. President, I suggest that this argument is a sham. My distinguished colleague, the senior Senator from Illinois, has made this abundantly clear at an earlier time in this debate. I quote:

During the period of the freeze, a constitutional amendment, if passed by the House and Senate by a two-thirds vote, would be submitted to the legislatures of the various States for ratification. The terms of the amendment would then permanently freeze the legislatures of the various States in their present unrepresentative character. Therefore, the objective of the Dirksen amendment is to assure that the grossly unrepresentative legislatures would pass upon the constitutional amendment which would prevent the Supreme Court from ever changing the situation, or ever producing a reapportionment more in accordance with population.

Mr. President, I need only point out that it would, in fact, remove the Supreme Court from any jurisdiction over the apportionment of State legislatures or, in other words, it would deprive the Court of any power to protect the rights of the citizens of the United States to equal representation. I shall have more to say on this later.

Another argument made by the proponents of the rider is the argument that a democratic legislature must not only represent the people as its constituents, but also the geographic areas within its jurisdiction. I reject this argument because I believe that legislators are elected to represent people, not trees, not acres, not farms, not cities. A study of

the great documents of our democracy bears this out. No phrase expresses it more clearly than Lincoln's "Government of the people, by the people, for the people."

In attempting to support the demand for geographic representation, supporters of the reapportionment rider lean heavily on the Federal analogy. They point out that each of the men elected to this body are elected equally from the States, regardless of population, and are intended to represent the interests of the State as well as those of its people. Mr. President, this analogy is erroneous.

Any student of American history or of constitutional law knows full well that the system of representation in the Federal Congress resulted from the binding together of a group of separate and independent States. They know, too, that the counties, cities, and towns within these States are the political subdivisions of the States, and never were, nor have been, considered sovereign entities. They are rather the creatures of the States, or the instrumentalities of the States for carrying out their governmental functions.

Let me cite one additional argument which is offered by the proponents of this rider. It is said that the rider offered by the distinguished Senator from Illinois has the unqualified support of the great majority of State legislators across the nation. I say—naturally. No matter how we might wish otherwise, it is a fact that any reapportionment of a legislature almost inevitably means the loss of seats by certain of its members. This is a fact of life which we cannot ignore.

Is it surprising that State legislators are generally opposed to reapportionment, and are the more violently opposed if the plans put forward threaten the seat they hold?

I submit that this argument is not reasonable grounds for questioning the constitutional right of American citizens to equality before the law, and equal representation in the legislatures of this land.

Mr. President, if these are some of the arguments raised in support of the amendment, and if they are, as I have tried to show, arguments without substance, then it is now time to consider the persuasive arguments against the adoption of this amendment.

Fundamental to the American system is our Constitution. The Supreme Court of the United States is a creature of this great document. This Court has been under increasingly intense attack in recent months. I submit that the proposed rider to the foreign aid bill represents a frontal attack on the jurisdiction of this Court, and on the rights of all Americans which it is designed to protect.

In attempting to set aside, even temporarily, the decisions of this Court, the proposed rider strikes at the separation of powers basic to our constitutional system at the same time that it strikes at the integrity and respect of the Court itself. This proposal would make the Court a creature of the Congress and its

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decisions subject to congressional review.

I cannot in good conscience and under my oath to protect and defend the Constitution of the United States accept such a proposal.

Not only does the rider strike a mortal blow at the constitutional separation of powers fundamental to our democracy, but it proposes that the Supreme Court shall not be permitted to protect what must be considered among the most basic rights of American citizenship—the right to equal representation.

No events in American history are better known by every citizen than the events surrounding the American Revolution. The birth of this great democracy was occasioned more by the failure of its people to enjoy equal representation than any other single factor. No slogan is better known than the slogan, "no taxation without representation."

The progress of democracy, from monarchies to the present day, has been based on overcoming the distinctions and the privileges between citizens. And this is a battle we are continuing to fight. Up to 1919, when the country voted on the question of women's suffrage, franchise was given only to males. We have been gradually and slowly overcoming the dilution of democracy which has prevented people from being properly represented.

Mr. President, I submit that the whole history of democracy can be traced in terms of the history of representation. Malapportionment is misrepresentation in its most insidious form. It deprives the citizens of a democracy of that rule which must be considered basic to democracy—one man, one vote. No other arrangement can be justified philosophically, constitutionally, or practically. This is the essence of democracy. Thomas Jefferson saw it that way when he protested the malapportionment of Virginia where constituencies varied as much as 20 to 1. I protest it today when the ratio in some States is as great as 1,000 to 1.

In my own State of Maryland, the smallest subdivision represented in the Maryland House of Delegates has 6,541 persons per member; the largest county has 82,071 persons per member. This imbalance means that it takes 12½ times as many votes to elect a person from the largest county as it does to elect one from the smallest. It also means that 1 Senator from 1 county on the Eastern Shore of Maryland with a population of 15,000 has the same voice in the Maryland Senate as a senator from Baltimore County with a population of 492,000. It also means that the nine counties of the Eastern Shore of Maryland have nine times the representation of Baltimore County, with a little less than half the population. The combined counties of Baltimore, Montgomery, and Prince Georges have a total population of 1,250,000 persons, yet they have only 3 senators compared to the 9 senators from that area of the State with one-sixth the population.

Mr. President, I cannot overemphasize the corruption to democracy, to the separation of power, and to our system of

jurisprudence than that embodied in the rider now being debated.

Mr. President, what the Senate is being asked to do is to turn back the progress of representative government through the adoption of a proposal which has never received committee consideration, which takes the form of a rider, which comes in the rush toward adjournment, which is extremely difficult for the Congress or the President to deal with on its merits, and which, most important of all, amounts to the Congress suspending completely for a highly indefinite time an interpretation of the highest judicial tribunal in the land.

Mr. President, I am unalterably opposed to the rider for the reasons advanced above. I shall vote against it and shall hope that a sufficient number of my colleagues will do likewise in the interest of the preservation of representative democracy in this land. I certainly will not support the cloture motion which attempts to end our fight.

FOREIGN POLICY AND THE REPUBLICANS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "It Wasn't the Republicans" published in the Duluth Publicity of August 21, 1964.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT WASN'T THE REPUBLICANS

People who listen to rash remarks about Senator GOLDWATER being "trigger happy" and that his victory at the polls in November would turn the world into chaos, should ponder the following truths:

It wasn't the Republicans who recognized the Soviet in 1933 and gave it acceptance in to our country and world society as if it were a respectable and dependable member thereof.

It wasn't the Republicans who, at Tehran, against the urgent advice of Mr. Churchill, agreed to give the Russians a free hand in the Balkans.

It wasn't the Republicans who secretly divided Poland and gave half of it to the Soviet Union.

It wasn't the Republicans who agreed to the Communist takeover of a hundred million people in Eastern Europe who are not Russian.

It wasn't a Republican administration which at Potsdam gave the Soviet Union East Germany and left West Berlin cut off from the rest of the free world.

It wasn't the Republican administration that publicly promised that Manchuria would go back to its rightful owners, the Chinese, and then secretly at Yalta gave control of Manchuria to the Russians.

It wasn't a Republican administration that divided Korea and gave control of North Korea to the Communists.

It wasn't a Republican administration that gave the Soviet Union the Kurile Islands which had never been anybody's except Japan's thereby endangering both Japan's and our own security in the north Pacific.

It wasn't under the Republicans that 600 million people disappeared behind the Iron Curtain in the first 5 years after World War II.

It wasn't the Republicans that perpetrated the Bay of Pigs disgrace, making it possible for Khrushchev to establish a base in Cuba, only 90 miles from our shores.

No. These are some of the works of the Democratic Party which is asking to be continued in office—to do what next?

THE BOBBY BAKER INVESTIGATION

Mr. CURTIS. Mr. President, I wish to speak on a phase of the Bobby Baker investigation. Because of the revelations made by the distinguished Senator from Delaware [Mr. WILLIAMS] concerning facts that may present evidence of a very serious irregularity involving Mr. Matthew McCloskey, this matter has again come before the Senate. The facts referred to by the Senator from Delaware involve the allegation of overpayment by Mr. McCloskey of a sum of money allegedly for the purpose of a performance bond, but with the excess being channeled into the 1960 political campaign of Mr. Kennedy and Mr. Johnson.

Because of these revelations, it appears that the Senate will direct renewed efforts in the Bobby Baker investigation.

The choice before the Senate will very likely be a choice between a proposal by the distinguished majority leader [Mr. MAYNFIELD], that the Rules Committee again proceed to investigate, and a proposal by the distinguished Senator from Delaware [Mr. WILLIAMS] that the investigation be assigned to the Committee on Government Operations headed by the distinguished Senator from Arkansas [Mr. McCLELLAN]. If it develops that the Senate has such a choice, I sincerely hope that it will assign the task to the Committee on Government Operations under Senator McCLELLAN. That committee has a subcommittee entitled the Permanent Investigating Subcommittee. It has an experienced and continuing staff which can proceed to do the job.

On the other hand, it was necessary for the Committee on Rules and Administration to assemble a staff, at least to a large extent, when they were working on the unfinished investigation. Substantially all of that staff have been released, and they have gone back to the work in which they were previously engaged.

From the standpoint of economy, time, and money, the investigation ought to be carried on by the McClellan committee.

There are other reasons why the Committee on Rules and Administration should not be directed to take up the investigation.

I believe I can speak with considerable objectivity in this regard. I serve on both committees. With me it is neither a matter of seeking an opportunity to participate in an investigation nor running away from an investigation.

My reason for not having the Rules Committee conduct the investigation is that that committee had an opportunity to do so, and the majority refused to do it. They refused to call a single witness requested by the Republican minority, even though the rules of the committee provide that any member has the right to have a witness called if his testimony is relevant.

In this connection, I ask unanimous consent to have printed at this point in the RECORD, a letter dated March 9, 1964,